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PROPOSAL

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	16 December 2015
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2015) 667 final
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency

Delegations will find attached document COM(2015) 667 final.

Encl.: COM(2015) 667 final

EUROPEAN
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Strasbourg, 15.12.2015
COM(2015) 667 final

2015/0313 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency

(Text with EEA relevance)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

• Reasons for and objectives of the proposal

There are currently more than 300 civilian and military authorities in the Member States responsible for carrying out coastguard functions in a wide range of areas such as maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. A number of EU agencies, in particular Frontex, the European Maritime Safety Agency and the European Fisheries Control Agency, support the national authorities in the exercise of these functions.

In 2014, the Commission finalised a feasibility study to examine the need for improved co-operation and co-ordination between national bodies and agencies carrying out coastguard functions. This study identifies a range of issues for closer collaboration, in particular in the areas of operational surveillance and data sharing which underpins all these functions.

The need to enhance collaboration and coordination between authorities carrying out coastguard functions has subsequently been acknowledged in the Union maritime transport legislation, the European Union Maritime Security Strategy with an Action Plan adopted by the Council in 2014 and in the European Agenda on Migration adopted by the Commission in 2015.

The purpose of this legislative proposal reinforcing European co-operation on coastguard functions is to improve cooperation and coordination between the relevant EU agencies in order to enhance synergies between their respective services, thus allowing them to provide more efficient and cost effective multipurpose services to national authorities carrying out coastguard functions.

This legislative proposal forms part of a set of measures proposed by the Commission to reinforce the protection of Europe's external borders, including European cooperation on coastguard function, which also includes proposals for a Regulation establishing a European Border and Coast Guard Agency and to amend Council Regulation (EC) No 768/2005 establishing a European Fisheries Control Agency. The substantive amendments in this proposal are identical to the proposed provisions on European coastguard cooperation in the proposal for a Regulation establishing a European Border and Coast Guard Agency and to the proposed amendments to Council Regulation (EC) No 768/2005.

• Consistency with existing policy provisions in the policy area

This proposal is consistent with the policy objectives of the European Maritime Transport Policy until 2018 and of the European Maritime Safety Agency which was established with the purpose of ensuring a high, uniform, and effective level of maritime safety, maritime security, prevention of, and response to, pollution caused by ships. It is at the heart of the EMSA's mission, competencies and activities with maritime administrations and bodies carrying out coast guard functions.

- **Consistency with other Union policies**

The objective of this initiative is to improve European cooperation on coastguard functions by developing cross-sectoral cooperation among the European Border and Coast Guard Agency , the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA) to improve synergies between those agencies, in order to provide more efficient and cost-effective multipurpose services to national authorities carrying out coastguard functions.

The underlying problem is that coastguard functions, such as border control, maritime safety and security, search and rescue operations, fisheries control, pollution control etc., are currently carried out by more than 300 authorities in Member States, which are not always well coordinated even at national level. By promoting collaboration and co-ordination between authorities carrying out coastguard functions, this proposal is fully consistent with Union policies on migration, security, IUU fishing as well as on transport and mobility.

The additional tasks for EMSA are fully in line with European Border and Coast Guard Agency and EFCA mandates and will assist them to also fulfil their duties and tasks. There are already bilateral Service Level Agreements in place between EMSA and European Border and Coast Guard Agency and between EMSA and EFCA for delivery of maritime information services. With European Border and Coast Guard Agency the exchange of currently available data is organised since April 2013 and data is permanently streamed from EMSA into EUROSUR and the European Border and Coast Guard Agency Situation Center. The established practices will be used for the enhanced data streams.

This legislative proposal is without prejudice to the Commission's commitment to bringing founding regulations of EU decentralised agencies in line with the Common Approach on decentralised agencies when being revised for policy related reasons.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

The proposal is based on Article 100(2) of the TFEU on establishing provisions for the pursuit of the objectives of the common sea transport policy.

- **Subsidiarity**

The proposal deals with support to national authorities carrying out coastguard functions at national and Union level, and where appropriate at international level.

- **Proportionality**

The proposal aims at reinforcing the EU's coastguard capacity to response to threats and risks in the maritime domain by improving cooperation and promoting cross-border and cross-sector cost-effective actions. This will avoid duplication of effort while ensuring that the main actors (in particular EU agencies) act in a coherent and efficient manner and develop synergies together. It takes into account the need to have more control in the maritime area while limiting the workload for national and EU administrations.

The added value of EMSA particular activities at EU level are:

– providing valuable information to improve surveillance of the external borders of the European Union with new Remotely Piloted Aircraft Systems (RPAS or drones) services and continued SAT-AIS services, which otherwise would not be provided or provided to a lesser extent (aerial surveillance, which is very costly);

– providing services and data at EU level is cost efficient, due to economies of scale, which cannot be obtained by similar actions at national level;

– reuse of data and sharing of data with all concerned EU Member States and EU Agencies, avoiding duplication of effort and offering multiple use of the same data and the same services, enabling the use of new and modern technologies;

– collecting all relevant maritime data on human activity at sea in one place, offering a "one stop shop" solution, which feeds other authorities at national and EU level with this data. The ICT infrastructure and distribution network is already mostly in place and does not need to be developed again. EMSA is already providing different maritime data sets to European Border and Coast Guard Agency and EFCA for which interfaces have been established;

– the use of EMSA's already established maritime information systems, harmonisation of existing systems and services for promoting information exchange between coastguard authorities on an EU level;

– increasing the collective skills and capacity for coastguard functions and assisting them to collaborate and act jointly, based on a harmonised approach.

• **Choice of the instrument**

As the purpose of the proposal is to amend Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency, it is necessary to propose a Regulation.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

• **Ex-post evaluations/fitness checks of existing legislation**

N/A (this initiative aims at implementing commitments contained in the European Agenda on migration referring to coastguard activities).

• **Stakeholder consultations**

N/A

• **Collection and use of expertise**

N/A

• **Impact assessment**

N/A

There was however a feasibility study commissioned by DG MOVE[1], as provided in recital (30) of Regulation No 100/2013 of the European Parliament and of the Council[2].

The study identified some 316 civilian and military Member States' authorities, which are responsible for Coast Guard functions and collaborating via 70 different structures. The study highlighted key shortcomings with the existing co-operation:

- the lack of information on the remit, powers and capabilities of other authorities;
- human resources, financial constraints and the limited number of operational assets;
- ad hoc coordination and lack of interoperability of systems, processes and assets;
- limited joint planning and joint operations.

One of the key findings was the pivotal role of the existing operational surveillance and data sharing which underpins all of the functions and which rely on EMSA systems.

- **Regulatory fitness and simplification**

The initiative is not part of the REFIT agenda but should apply its main principles.

- **Fundamental rights**

N/A

4. BUDGETARY IMPLICATIONS

This initiative requires an increase in the EU contribution to EMSA of around 22 million per year (that is around €87 million for the 2017 to 2020 period) and the recruitment of 17 TA.

This is operational expenditure (title 3) for around €81 million mainly to cover provision of RPAS services (€67 million) and SAT-AIS and Satcom data and services to increase the surveillance capability of the 3 agencies and national authorities to strengthen as a primary objective the control of the external maritime borders of the European Union.

(See also the legislative financial statement attached).

5. OTHER ELEMENTS

- **Implementation plans and monitoring, evaluation and reporting arrangements**

As this measure will be implemented by EMSA, its evaluation will be included in the 5-year evaluation of the agency, which findings and recommendations shall be forwarded by the Commission to the European Parliament and the Council and shall be made public.

[1] Study on the feasibility of improved cooperation between bodies carrying out European Coast Guard functions (94 pages), http://ec.europa.eu/transport/modes/maritime/studies/doc/2014-06-icf-coastguard.pdf

[2] Regulation 1406/2002 establishing a European Maritime Safety Agency (Recital 30).

- **Explanatory documents (for directives)**

N/A

- **Detailed explanation of the specific provisions of the proposal**

The proposal aims at developing European cooperation on coastguard functions by developing forms of cooperation among European Border and Coast Guard, EMSA and EFCA to improve synergies between those agencies, in order to provide more efficient and cost-effective multipurpose services to national authorities carrying out coastguard functions.

EMSA will lead notably for a significant improvement of the surveillance capability to strengthen the control of the external maritime borders of the European Union through the following actions:

a. Sharing information generated by fusing and analysing data available in ship reporting systems and other information systems hosted by or accessible to the Agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

Output: improving the dissemination of real time and near real time maritime surveillance data between the three Agencies and relevant authorities

Based on the current SLA's EMSA has with respectively European Border and Coast Guard Agencyand EFCA, maritime information is streamed into the systems of the other Agencies. When improving surveillance capabilities, data of new sensors, in particular of RPAS (including video and infrared data) should be incorporated in the maritime picture, this will require new functionalities in the current system to improve the provision of information and sharing it with the other Agencies and relevant authorities. Software developments and interface upgrades are needed to update the systems to cope with the information from new sensors.

b. Providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform, such as remotely piloted aircraft systems;

Output: flexible RPAS services for border control surveillance

With the current land- and satellite based technologies, it is still difficult to detect small boats made out of rubber or wood, used to get migrants across the Mediterranean Sea. These types of boats do not generally generate enough reflection to be visible on radar satellite imagery. With optical imagery only very targeted small areas can be covered, provided that it is day time and there are no clouds. Satellite information in general is only available at certain times according to the flight track of the satellites. Additional services based on RPAS (drones), can overcome these limitations.

The Agency will organise and provide, as an institutional service provider, RPAS service operations in support of European Border and Coast Guard Agency and border control authorities. In addition, EMSA as a maritime safety agency will contribute to a more friendly perception of using this technology. This technology has a multipurpose character and can be used for a variety of public tasks at sea (border control, safety of navigation, Search and

Rescue, pollution detection, fishery control, law enforcement actions). Strengthening the cooperation between the Agencies will further enhance synergies and multipurpose use of the same assets.

By having EMSA providing RPAS services, European Border and Coast Guard Agency and border control authorities will substantially benefit from the service as EMSA is already collecting, processing, fusing and correlating data of human activity at sea. RPAS derived information would be handled as an additional data source, which will be added to the information streamed into EUROSUR. A scalable service is foreseen with a number of simultaneous RPAS operations in the Mediterranean Sea, to be divided for example over 4 areas of interest: Greek-Turkish border (Aegean Sea), Central Mediterranean Sea (Lybia), West Mediterranean Sea (Strait of Gibraltar) and East Mediterranean Sea (Cyprus region). The deployment should be based on mobile units, which can be relocated as new "hot spots" may develop overtime.

The RPAS services should be cheaper as manned patrol aircraft and should be used as a complementary tool in the overall surveillance chain, including satellite imagery, vessel positioning information and surveillance by maritime patrol aircraft and vessels.

Output: securing AIS data collected by satellite

Until today, EMSA, in collaboration with the European Space Agency (ESA), is providing Satellite-AIS (SAT-AIS) data services at no cost to other EU Agencies and EU Member States through its maritime applications. This data is financed by ESA up to 31st August 2016 after which the research and development programme comes to an end. SAT-AIS data is an invaluable source of information which very much enhances maritime situational awareness. It is assisting both Member States and EU Agencies and bodies (i.e. European Border and Coast Guard Agency, EFCA, MAOC-N) in their surveillance tasks. Without this data, many vessels are not able to be tracked due to the unavailability of other data sources, in particular in the south of the Mediterranean Sea, or because vessels are transiting beyond the coverage of the AIS shore-based stations and therefore cannot be monitored through terrestrial-based AIS systems (the case for activities of fishing vessels under EU flag when operating outside of the EU) .

Without SAT-AIS data, much added value will be lost and there will be a considerable decrease in the maritime situational awareness, negatively impacting the surveillance capability at external borders. It is therefore necessary to acquire SAT-AIS data.

Output: communication services, in particular SAT-COM in support of joint operations.

For the coordination and delivery of maritime surveillance data coming from RPAS and other sensors, satellite communication is required. Satellite communication is used for navigation of the RPAS and for transmitting the data collected by its payload. This is a substantial cost driver. The Agency will have to invest in interfaces receiving data from communication satellites and from the European Data Relay System (EDRS) in particular. Certainly the input of multiple data streams in different data formats simultaneously will require software developments. The presented costs do not include satellite transmission costs.

EMSA will also contribute for:

c. Capacity building at national and Union level by elaborating guidelines, recommendations and best practices as well as by supporting the training and exchange of staff, with a view to enhance the exchange of information and cooperation on coastguard functions;

Output: Training, distant learning and exchange of best practices, and project-based development of common or interoperable operations standards

Strengthening the coastguard functions of national authorities entails also education and training. Already, the Agency has established a significant training portfolio, including e-learning modules for experts of Member States, accession countries and European Neighbourhood Policy countries. This basis will be used to develop new modules and training sessions strengthening skills and capabilities at national level.

Newly developed training courses, workshops for exchanging best practices and e-learning modules as well as new specific area-related projects will help to increase capacity of coastguards, creating common standards and approaches at EU level, which will facilitate multinational cooperation and joint operations.

2015/0313 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) National authorities carrying out coastguard functions are responsible for a wide range of tasks, including but not limited to maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The European Border and Coast Guard Agency, the European Fisheries Control Agency and the European Maritime Safety Agency should therefore strengthen their cooperation both with each other and with the national authorities carrying out coastguard functions to increase maritime situational awareness as well as to support coherent and cost-efficient action.

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments

Regulation (EC) No 1406/2002 is amended as follows:

(1) In Article 2, the following paragraph is inserted:

"4a. The Agency shall cooperate with the European Border and Coast Guard Agency and the European Fisheries Control Agency to support the national authorities carrying out coastguard functions by providing services, information, equipment and training, as well as by coordinating multipurpose operations."

(2) The following Article 2b is inserted:

"Article 2b

European cooperation on coastguard functions

1. The Agency shall, in cooperation with the European Border and Coast Guard Agency and the European Fisheries Control Agency, support national authorities carrying out coastguard functions at national and Union level, and where appropriate at international level by:

(a) sharing information generated by fusing and analysing data available in ship reporting systems and other information systems hosted by or accessible to the agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

(b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform, such as remotely piloted aircraft systems;

(c) capacity building by elaborating guidelines, recommendations and best practices as well as by supporting the training and exchange of staff, with a view to enhancing the exchange of information and cooperation on coastguard functions;

(d) capacity sharing, including the planning and implementation of multipurpose operations and the sharing of assets and other capabilities across sectors and borders.

2. The modalities of the cooperation on coastguard functions of the Agency with the European Border and Coast Guard Agency and the European Fisheries Control Agency shall be determined in a working arrangement, in accordance with the financial rules applicable to the agencies.

3. The Commission may adopt, in the form of a recommendation, a practical handbook on European cooperation on coastguard functions, containing guidelines, recommendations and best practices for the exchange of information and cooperation at national, Union and international level."

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Strasbourg,

For the European Parliament	*For the Council*
The President	*The President*

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

1.2. Policy area(s) concerned in the ABM/ABB structure

1.3. Nature of the proposal/initiative

1.4. Objective(s)

1.5. Grounds for the proposal/initiative

1.6. Duration and financial impact

1.7. Management mode(s) planned

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.2. Management and control system

2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

3.2.2. Estimated impact on operational appropriations

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.4. Compatibility with the current multiannual financial framework

3.2.5. Third-party contributions

3.3. Estimated impact on revenue

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Amendment to Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (as amended by Reg. 1644/2003; 724/2004; 2038/2006; 100/2013)

1.2. Policy area(s) concerned in the ABM/ABB structure[3]

Policy area: European transport policy 06: Mobility and Transport 06 02: Inland, air and maritime transport policy 06 02 03: European Maritime Safety Agency 06 02 03 01: European Maritime Safety Agency — Contribution to Titles 1, 2 and 3 with the exception of anti-pollution measures

1.3. Nature of the proposal/initiative

☒ The proposal/initiative relates to **a new action**

☐ The proposal/initiative relates to **a new action following a pilot project/preparatory action**[4]

☐ The proposal/initiative relates to **the extension of an existing action**

☐ The proposal/initiative relates to **an action redirected towards a new action**

1.4. Objective(s)

1.4.1. The Commission's multiannual strategic objective(s) targeted by the proposal/initiative

Migration agenda European transport policy

1.4.2. Specific objective(s) and ABM/ABB activity(ies) concerned

Specific objective To promote safe and secure transport by developing unified European policy standards for safety and security and ensuring a high degree of implementation

[3] ABM: activity-based management; ABB: activity-based budgeting.

[4] As referred to in Article 54(2)(a) or (b) of the Financial Regulation.

ABM/ABB activity(ies) concerned 0602 Inland, air and maritime transport policy

1.4.3. Expected result(s) and impact

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The result of the European cooperation on coastguard functions should be a significant improvement of the surveillance capability to strengthen the control of the external (maritime) borders of the European Union.

a. Sharing information generated by fusing and analysing data available in ship reporting systems and other information systems hosted by or accessible to the Agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

Output: improving the dissemination of real time and near real time maritime surveillance data between the three Agencies and relevant authorities

Based on the current SLA's EMSA has with respectively European Border and Coast Guard Agency and EFCA, maritime information is streamed into the systems of the other Agencies. When improving surveillance capabilities, data of new sensors, in particular of Remotely Piloted Aircraft Systems (including video and infrared data) should be incorporated in the maritime picture, this will require new functionalities in the current system to improve the provision of information and sharing it with the other Agencies and relevant authorities. Software developments and interface upgrades are needed to update the systems to cope with the information from new sensors.

b. Providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform, such as remotely piloted aircraft systems;

Output: flexible RPAS (Remotely Piloted Aircraft Systems) services for border control surveillance

With the current land- and satellite based technologies, it is still difficult to detect small boats made out of rubber or wood, used to get migrants across the Mediterranean Sea. These types of boats do not generally generate enough reflection to be visible on radar satellite imagery. With optical imagery only very targeted small areas can be covered, provided that it is day time and there are no clouds. Satellite information in general is only available at certain times according to the flight track of the satellites. Additional services based on Remotely Piloted Aircraft Systems (RPAS or drones), can overcome these limitations.

The Agency will organise and provide, as an institutional service provider, RPAS service operations in support of European Border and Coast Guard Agency and border control authorities. In addition, EMSA as a maritime safety agency will contribute to a more friendly perception of using this technology. This technology has a multipurpose character and can be used for a variety of public tasks at sea (border control, safety of navigation, Search and Rescue, pollution detection, fishery control, law enforcement actions). Strengthening the cooperation between the Agencies will further enhance synergies and multipurpose use of the same assets.

By having EMSA providing RPAS services, European Border and Coast Guard Agency and border control authorities will substantially benefit from the service as EMSA is already collecting, processing, fusing and correlating data of human activity at sea. RPAS derived information would be handled as an additional data source, which will be added to the information streamed into EUROSUR. A scalable service is foreseen with a number of simultaneous RPAS operations in the Mediterranean Sea, to be divided for example over 4 areas of interest: Greek-Turkish border (Aegean Sea), Central Mediterranean Sea (Lybia), West Mediterranean Sea (Strait of Gibraltar) and East Mediterranean Sea (Cyprus region). The deployment should be based on mobile units, which can be relocated as new "hot spots" may develop overtime.

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Without SAT-AIS data, much added value will be lost and there will be a considerable decrease in the maritime situational awareness, negatively impacting the surveillance capability at external borders. It is therefore necessary to acquire SAT-AIS data.

Output: communication services, in particular SAT-COM in support of joint operations.

For the coordination and delivery of maritime surveillance data coming from RPAS and other sensors, satellite communication is required. Satellite communication is used for navigation of the RPAS and for transmitting the data collected by its payload. This is a substantial cost driver. The Agency will have to invest in interfaces receiving data from communication satellites and from the European Data Relay System (EDRS) in particular. Certainly the input of multiple data streams in different data formats simultaneously will require software developments. The presented costs do not include satellite transmission costs.

c. Capacity building at national and Union level by elaborating guidelines, recommendations and best practices as well as by supporting the training and exchange of staff, with a view to enhance the exchange of information and cooperation on coastguard functions;

Output: Training, distant learning and exchange of best practices, and project-based development of common or interoperable operations standards

Strengthening the coastguard functions of national authorities entails also education and training. Already, the Agency has established a significant training portfolio, including e-learning modules for experts of Member States, accession countries and ENP countries. This basis will be used to develop new modules and training sessions strengthening skills and capacities at national level.

Newly developed training courses, workshops for exchanging best practices and e-learning modules as well as new specific area-related projects will help to increase capacity of coastguards, creating common standards and approaches at EU level, which will facilitate multinational cooperation and joint operations.

1.4.4. Indicators of results and impact

Specify the indicators for monitoring implementation of the proposal/initiative.

Improving the dissemination of real time and near real time maritime surveillance data between the three Agencies and relevant authorities:

The upgrade and improvements of the interfaces and functionalities will:

- enable the sharing of data from new sensors (using new data formats);

- contribute to share increased surveillance data amongst all relevant stakeholders.

Flexible RPAS services for border control surveillance:

Increased maritime surveillance at the external borders of the EU should result in:

- early detection of migrant departures;

- better detection of migrants in distress at sea (saving more lives), supporting Search and Rescue operations at sea;

- early and better detection of any other illegal activity whilst crossing the external maritime borders of the European Union;

- utilising these missions for multiple (coastguard) purposes, assisting maritime surveillance for:

  - detection of illegal fishing,

  - detection and interception of drug- trafficking and smuggling,

  - pollution detection and monitoring,

- support of law enforcement activities.

Surveillance data is "technical assistance" and will be provided to the relevant competent authorities either at national or EU level to give appropriate follow-up.

Securing AIS data collected by satellite:

This information will allow the identification of vessels outside the range of the AIS shore-based stations of EU Member States and will assist users to set up a more complete maritime picture for border control operations. This information will result in:

- being able to discriminate between normal traffic and non-identifiable human activity at sea which may need closer verification by correlating this information with other data sources available at EMSA;

- a better ability to follow the location of national and or EU deployed governmental assets during Search and Rescue (SAR) operations for a more optimal coordination;

- a better ability to deploy assets to the correct geographical position of vessels identified in need of support thus minimising the time for authorities / SAR to arrive to the scene;

- in the possibilty of offereing geospatial intelligence for an accurate and timely monitoring of vessels on a global basis.

If this SAT-AIS data could not be provided, less comprehensive information would be provided about what is happening at the external sea borders.

Communication services, in particular SAT-COM in support of joint operations:

Satellite communications play a vital role when utilising new technologies such as remotely piloted aircraft systems. It is through such satellite communication technology that improved maritime surveillance in (near) real time is provided.

Training, distant learning and exchange of best practices, project based development of common or interoperable operations standards:

Investing in training, e-learning and exchange of best practices, and project based development of common or interoperable operations standards should result in:

- increasing skills and capabilities in the field of coastguard functions at national level, leading to more performant operations;

- increasing the level of harmonisation and common approaches to maritime surveillance and other coastguard functions, leading to interoperability and common operations standards, which should facilitate joint operations.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term

The most complex and critical process is the organisation of pilot RPAS services.

In 2016, the Agency plans to demonstrate a pilot RPAS service for Member States and EU Agencies. From the regulatory side, the Agency intends to involve EASA and Eurocontrol and, for the user side, European Border and Coast Guard Agency and EFCA are invited to participate in this pilot activity. In addition, the consultation with the European Space Agency should contribute to further development of RPAS solutions for the civil maritime surveillance domain.

1.5.2. Added value of EU involvement

The added value of these activities at EU level are:

- providing valuable information to improve surveillance of the external borders of the European Union, with new RPAS services and continued SAT-AIS services which otherwise would not be provided or provided to a lesser extent (aerial surveillance, which is very costly);

- providing services and data at EU level is cost efficient, due to economies of scale, which cannot be obtained by similar actions at national level;

- reuse of data and sharing of data with all concerned EU Member States and EU Agencies, avoiding duplication of effort and offering multiple use of the same data and the same services, enabling the use of new and modern technologies;

- collecting all relevant maritime data on human activity at sea in one place, offering a "one stop shop" solution, which feeds other authorities at national and EU level with this data. The ICT infrastructure and distribution network is already mostly in place and does not need to be developed again. EMSA is already providing different maritime data sets to European Border and Coast Guard Agency and EFCA for which interfaces have been established;

- the use of EMSA's already established maritime information systems, harmonisation of existing systems and services for promoting information exchange between coastguard authorities on an EU level;

- increasing the collective skills and capacity for coastguard bodies, and assisting them to collaborate and act jointly based on a harmonised approach.

1.5.3. Lessons learned from similar experiences in the past

Based on previous military applications of RPAS technology, EMSA has learned what is feasible in terms of a civil RPAS capacity and how RPAS could be useful to improve maritime surveillance at a better price-quality ratio and assist in obtaining better awareness of what is happening at the external maritime borders of the European Union.

Based on the on-going cooperation with the European Space Agency, the use of SAT-AIS data has been proven to greatly improve the maritime situational awareness. Many Member States and European agency users have demonstrated the operational usefulness of SAT-AIS data through real cases to the extent that nowadays they very much base their daily operations on the use of SAT-AIS data. User testimonies have been collected following several user meetings over the past three years. It is therefore clear that without SAT-AIS data, there would be a clear limitation in the quality of the maritime domain awareness which would negatively impact the ability of users to act in an effective way.

In the field of Port State Control, the Agency supports a European wide scheme for a minimum level of training that enhances capacity building at EU and national level. Moreover, "Core skills" trainings developed for certain functions have proven to be of added value to complement national capabilities and to foster exchange of best practices, and could therefore be of added value for different coastguard functions.

The Agency has an extensive experience in working with national authorities carrying coastguard functions and promoting cross-border cooperation. A recent example concerns assistance to vessels in distress for which the Agency together with the Commission has facilitated the elaboration of operational guidelines on places of refuge on the basis of EU legislation which will promote a harmonised and effective response by national authorities. Such elaboration of operational guidelines and common / interoperable standards and processes could be replicated in other areas.

1.5.4. Compatibility and possible synergy with other appropriate instruments

These additional EMSA tasks are fully in line with European Border and Coast Guard Agency and EFCA mandates and will assist them to also fulfill their duties and tasks. The data obtained from both RPAS and SAT-AIS means will greatly improve their situational awareness. There are already bilateral Service Level Agreements in place between EMSA and European Border and Coast Guard Agency and between EMSA and EFCA for delivery of maritime information services. With European Border and Coast Guard Agency the exchange of currently available data is organised since April 2013 and data is permanently streamed from EMSA into EUROSUR and the European Border and Coast Guard Agency Situation Center. The established practices will be used for the enhanced data streams.

1.6. Duration and financial impact

☐ Proposal/initiative of **limited duration**

– ☐ Proposal/initiative in effect from [DD/MM]YYYY to [DD/MM]YYYY

– ☐ Financial impact from YYYY to YYYY

☒ Proposal/initiative of **unlimited duration**

– Implementation with a start-up period from YYYY to YYYY,

– followed by full-scale operation.

1.7. Management mode(s) planned[5]

☐ **Direct management** by the Commission

– ☐ by its departments, including by its staff in the Union delegations;

– ☐ by the executive agencies

☐ **Shared management** with the Member States

☒ **Indirect management** by entrusting budget implementation tasks to:

– ☐ third countries or the bodies they have designated;

– ☐ international organisations and their agencies (to be specified);

– ☐ the EIB and the European Investment Fund;

– ☒ bodies referred to in Articles 208 and 209 of the Financial Regulation;

– ☐ public law bodies;

– ☐ bodies governed by private law with a public service mission to the extent that they provide adequate financial guarantees;

– ☐ bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that provide adequate financial guarantees;

– ☐ persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.

– *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

[5] Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

The Agency is audited annually by the European Court of Auditors and annually by the Internal Audit Service of the Commission. There is oversight of activities, programming and budgets by the Administrative Board, including representatives of the Commission, This system as laid down in the EMSA founding Regulation will continue to apply.

2.2. Management and control system

2.2.1. Risk(s) identified

There are no additional risks compared to the existing tasks and activities of the Agency.

2.2.2. Information concerning the internal control system set up

The additional budget will be subject to the same provisions and safeguards as all the other activities of the Agency.

2.2.3. Estimate of the costs and benefits of the controls and assessment of the expected level of risk of error

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures.

Anti-fraud measures are included in the EMSA Founding Regulation under Article 20, which regulates the authority of OLAF concerning the activities of the Agency and will continue to apply. A specific anti-fraud strategy has been adopted by the EMSA Administrative Board in November 2015.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading……...……]	Diff./Non-diff.[6]	from EFTA countries[7]	from candidate countries[8]	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
1A	060203 European Maritime Safety Agency	Non-diff.	NO	NO	NO	NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number [Heading……]	Diff./Non-diff.	from EFTA countries	from candidate countries	from third countries	within the meaning of Article 21(2)(b) of the Financial Regulation
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

[6] Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

[7] EFTA: European Free Trade Association.

[8] Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

3.2. Estimated impact on expenditure

3.2.1. Summary of estimated impact on expenditure

EUR million (to three decimal places)

Heading of multiannual financial framework	1A	060203 European Maritime Safety Agency

European Maritime Safety Agency			**2017**	**2018**	**2019**	**2020**	**2021**[*1]	**TOTAL**[*2]
Title 1:	Commitments	(1)	€1.034	€1.423	€1.385	€1.408	€0.000	€5.250
	Payments	(2)	€1.034	€1.423	€1.385	€1.408	€0.000	€5.250
Title 2:	Commitments	(1a)	€0.086	€0.182	€0.185	€0.190	€0.000	€0.643
	Payments	(2a)	€0.086	€0.182	€0.185	€0.190	€0.000	€0.643
Title 3:	Commitments	(3a)	€16.550	€21.502	€21.578	€21.678	€0.000	€81.308
	Payments	(3b)	€9.930	€19.521	€21.548	€21.638	€8.671	€72.637
TOTAL appropriations for European Maritime Safety Agency	Commitments	=1+ 1a +3a	€17.670	€23.107	€23.148	€23.276	€0.000	€87.201
	Payments	=2+ 2a +3b	€11.050	€21.126	€23.117	€23.236	€8.671	€78.530

*1 outside of the current MFF

*2 Total for the current MFF

Heading of multiannual financial framework	**5**	'Administrative expenditure'

EUR million (to three decimal places)

		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
DG: <…….>									
• Human resources									
• Other administrative expenditure									
TOTAL DG <…….>	Appropriations	0	0	0	0				**0**

TOTAL appropriations under HEADING 5 of the multiannual financial framework	(Total commitments = Total payments)	0	0	0	0				**0**

EUR million (to three decimal places)

		2017	2018	2019	2020	Enter as many years as necessary to show the duration of the impact (see point 1.6)			**TOTAL**
TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework	Commitments	€17.670	€23.107	€23.148	€23.276				€87.201
	Payments	€11.050	€21.126	€23.117	€23.236				€78.530

3.2.2. Estimated impact on operational appropriations

– ☐ The proposal/initiative does not require the use of operational appropriations

– ☒ The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to three decimal places)

			2017		2018		2019		2020		Total	
Indicate objectives and outputs ⇩	**OUTPUTS**											
	Type	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost
Specific Objective 1 (Article 1a): Data analysis, fusion and sharing												
- Data Analysing, Fusing and sharing services		-	-	€0.800	-	€0.400	-	€0.400	-	€0.400		€2.000
Subtotal for specific objective No 1		-	-	€0.800	-	€0.400	-	€0.400	-	€0.400		€2.000
Specific Objective 2 (Article 1b): RPAS Operations												
- Installation		€0.263	-	€0.150	-	€0.300	-	€0.300	-	€0.300	-	€1.050
- Relocation		€0.050	-	€0.050	-	€0.050	-	€0.050	-	€0.050	-	€0.200
- Operation		€16.463	4250	€12.750	5900	€17.700	5900	€17.700	5900	€17.700	21950	€65.850
- Missions		€0.053	15	€0.030	30	€0.060	30	€0.060	30	€0.060	105	€0.210
Subtotal for specific objective No 2		-	-	€12.980	-	€18.110	-	€18.110	-	€18.110		€67.310
Specific Objective 3 (Article 1b): Satellite Communications												
- Satellite communication data and services		-	-	€0.500	0	€0.500	0	€0.500	0	€0.500		€2.000

- Missions		€0.014	4	€0.010	8	€0.015	8	€0.015	8	€0.015	28	€0.055
Subtotal for specific objective No 3		-	-	€0.510	-	€0.515	-	€0.515	-	€0.515		€2.055
Specific Objective 4 (Article 1b): Satellite AIS												
- Provision of Satellite AIS Global Service		-	-	€2.000	-	€2.000	-	€2.000	-	€2.000		€8.000
- Missions		€0.014	4	€0.010	8	€0.015	8	€0.015	8	€0.015	28	€0.055
Subtotal for specific objective No 4		-	-	€2.010	-	€2.015	-	€2.015	-	€2.015		€8.055
Specific Objective 5 (article 1c): Capacity building												
- Training, e-learning and capacity building		-	-	€0.230	-	€0.422	-	€0.498	-	€0.598		€1.748
- Missions		€0.035	10	€0.020	20	€0.040	20	€0.040	20	€0.040	70	€0.140
Subtotal for specific objective No 5		-	-	€0.250	-	€0.462	-	€0.538	-	€0.638		€1.888
TOTAL		**-**	**-**	**€16.550**	**-**	**€21.502**	**-**	**€21.578**	**0**	**€21.678**		**€81.308**

3.2.3. Estimated impact on appropriations of an administrative nature

3.2.3.1. Summary

– ☐ The proposal/initiative does not require the use of appropriations of an administrative nature

– ☒ The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2017*	**2018**	**2019**	**2020**	**TOTAL**
TA 2f (AD posts)	13	15	15	15	15
TA 2f (AST posts)	1	2	2	2	2
Contract staff (CA posts)	0	0	0	0	0
Seconded National Experts (SNE posts)	0	0	0	0	0
Temporary staff (2f) (AD+AST) costs	€1.120	€1.605	€1.570	€1.598	€5.893
TOTAL	€1.120	€1.605	€1.570	€1.598	€5.893

* June 1st is considered the recruitment date in 2017

January 1st is considered the recruitment date in 2018

	2016	2017	2018	2019	2020
Baseline - Communication	202	198	195	195	195
Additional posts	-	14	17	17	17
Total	**202**	**212**	**212**	**212**	**212**

3.2.3.2. Estimated requirements of human resources for the parent DG

– ☒ The proposal/initiative does not require the use of human resources.

– ☐ The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)
• Establishment plan posts (officials and temporary staff)					
XX 01 01 01 (Headquarters and Commission's Representation Offices)					
XX 01 01 02 (Delegations)					
XX 01 05 01 (Indirect research)					
10 01 05 01 (Direct research)					
• External staff (in Full Time Equivalent unit: FTE)[9]					
XX 01 02 01 (AC, END, INT from the 'global envelope')					
XX 01 02 02 (AC, AL, END, INT and JED in the delegations)					
XX 01 04 **yy** [10] - at Headquarters					
XX 01 04 **yy** [10] - in Delegations					
XX 01 05 02 (AC, END, INT - Indirect research)					
10 01 05 02 (AC, END, INT - Direct research)					
Other budget lines (specify)					
TOTAL					

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	

[9] AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JED= Junior Experts in Delegations.

[10] Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

External staff	

3.2.4. Compatibility with the current multiannual financial framework

– ☐ The proposal/initiative is compatible the current multiannual financial framework.

– ☒ The proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

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– ☐ The proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. Third-party contributions

– The proposal/initiative does not provide for co-financing by third parties.

– The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to three decimal places)

	Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

– ☒ The proposal/initiative has no financial impact on revenue.

– ☐ The proposal/initiative has the following financial impact:

– ☐ on own resources

– ☐ on miscellaneous revenue

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative[11]						
		Year **N**	Year **N+1**	Year **N+2**	Year **N+3**	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
Article …….								

For miscellaneous 'assigned' revenue, specify the budget expenditure line(s) affected.

Specify the method for calculating the impact on revenue.

[11] As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 25 % for collection costs.